

## **REMARKS**

### **I. Amendments to the Claims:**

Claims 10-13, 18-20, and 22-39 were allowed in the instant application (*see*, Notice of Allowability).

Claims 40-51 are newly added. Claims 40-46 are dependent claims of allowed claim 10 reciting each member of the Markush group of claim 10. Claims 47-51 are dependent claims of allowed claim 13 reciting each member of the Markush group of claim 13. No new matter has been added by way of these amendments to the claims.

### **II. Request to Change Attorney Docket Number and add Customer Number:**

The Notice of Allowance (**Attachment A**) and the Patent Application Information Retrieval (PAIR) System (**Attachment B**), both incorrectly state that the Attorney Docket No. for the instant application is 9725-005. Applicants respectfully request that the Attorney Docket No. for the above-referenced application be corrected from 9725-005 to **289550-122US2**.

PAIR also does not provide a Customer Number for the instant application (*see*, **Attachments B and C**). Applicants respectfully request that PAIR be updated to indicate that the Customer Number for this application is **28089**.

### **III. Request to Correct Priority Data:**

Applicants note that although the filing receipt mailed June 19, 2001 correctly identifies the priority data for the instant application, PAIR only provides part of the priority data for the instant application (**Attachment C**).

Applicants state that the correct priority data for this application is as follows: the instant application is a continuation-in-part (CIP) of PCT/US00/28595, filed October 16, 2000, which claims the benefit of U.S. Provisional Application No. 60/159,763, filed October 15, 1999.

Applicants respectfully request that the patent that issues from the instant application issue with the correct priority data.

**IV. Clarification:**

Applicants inadvertently incorporated a section in the Amendment and Response filed February 4, 2004, referring to an obviousness-type double patenting rejection over U.S. Serial No. 09/214,645.

Applicants respectfully assert that this was a clerical error, and there was never any double patenting rejection in this case over U.S. Serial No. 09/214,645.

**V. Request for Initialing Supplemental Information Disclosure Statement:**

Applicants note that the PTO Form-1449 filed with the Supplemental Information Disclosure Statement of March 15, 2004 (**Attachment D**) was not initialed by the Examiner. Applicants respectfully request that the Examiner initial and return the PTO Form-1449, if the references cited therein had been considered by the Examiner.

**VI. Petition To Correct Inventorship pursuant to 37 C.F.R. § 1.48(b):**

Attached herewith as **Attachment E** is a petition to correct inventorship in this application to delete Paul B. Marshall as a co-inventor.

Applicants respectfully request that the patent that issues from this application issue with the correct inventorship.

**CONCLUSION**

Upon entry of the instant amendment, claims 10-13, 18-20, and 22-51 will be pending in the instant application. Claims 10-13, 18-20, and 22-39 have been allowed in the instant application.

If the Examiner believes that further discussion would be helpful, the Examiner is respectfully requested to telephone the undersigned attorney at (212) 937-7233.

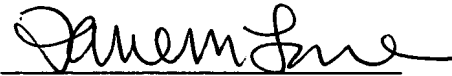
Other than the fees associated with the Petition for Correction of Inventorship, no other fees are believed to be due in connection with this filing. However, if any fees are due, the Commissioner is hereby authorized to charge any fee(s) that may be necessary in this application to Deposit Account No. 08-0219, Order No. 289550-122US2.

Respectfully submitted,

**WILMER CUTLER PICKERING  
HALE AND DORR LLP**

Date: February 3, 2005

By:



Jane M. Love, Ph.D.  
Registration No. 42,812  
Attorney for Applicants

Correspondence Address:  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
399 Park Avenue  
New York, New York 10022  
Telephone: (212) 937-7233  
Facsimile: (212) 230-8888  
Jane.love@wilmerhale.com

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AMDT. UNDER 37 C.F.R. § 1.312  
AMDT. DATED FEBRUARY 3, 2005  
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**ATTACHMENT A**

A copy of page 1 of the Notice of Allowance and Fee(s) due in the instant application.

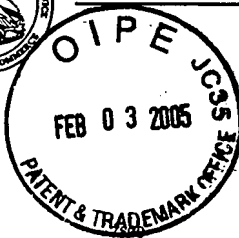


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## NOTICE OF ALLOWANCE AND FEE(S) DUE

11/17/2004

Jane M. Love, Ph.D.  
 Hale and Dorr LLP  
 300 Park Avenue  
 New York, NY 10022

EXAMINER

SAIDHA, TEKCHAND

ART UNIT

PAPER NUMBER

1652

DATE MAILED: 11/17/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,235	04/18/2001	Christopher P. Marshall	9725-005	1399

TITLE OF INVENTION: STABILIZED PROTEINS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$685	\$300	\$985	02/17/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151: THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

WILMER CUTLER PICKERING  
 HALE AND DORR LLP DOCKETING  
 RE: 289550.122452  
 Action Date: 4/17/05  
 Action to be Taken: Issue Fee  
 Docketed By: MSH On: 4/22/05

**ATTACHMENT B**

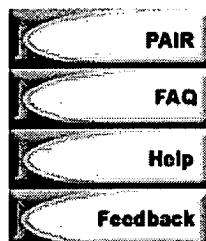
Attached is a copy of a print out from PAIR for the instant application showing that it has an incorrect Attorney Docket Number and no Customer Number.



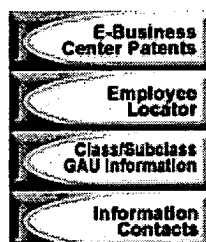
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## PATENT APPLICATION INFORMATION RETRIEVAL



### Other Links



Printer Friendly Version

Search results as of: 1-12-2005::16:4t

Search results for application number:09/837,235			
Application Number:	09/837,235	Customer Number:	
Filing or 371(c) Date:	04-18-2001	Status:	Allowed -- Notice of Allowance Mailed -- Issue Revision Completed
Application Type:	Utility	Status Date:	11-17-2004
Examiner Name:	SAIDHA, TEKCHAND	Location:	ELECTRONIC
Group Art Unit:	1652	Location Date:	-
Confirmation Number:	1399	Earliest Publication No:	US 2002-0061549 A1
Attorney Docket Number:	9725-005	Earliest Publication Date:	05-23-2002
Class/ Sub-Class:	530/350	Patent Number:	-
First Named Inventor:	Christopher Marshall, Brooklyn, NY (US)	Issue Date of Patent:	-
Title Of Invention:	STABILIZED PROTEINS		

Select Search Option

Continuity Data  
Image File Wrapper  
Patent Term Adjustment History  
Published Documents

File History	
Date	Contents Description
12-10-2004	Sequence Forwarded to Pubs on Tape
12-01-2004	Workflow - File Sent to Contractor
11-17-2004	Mail Notice of Allowance
11-15-2004	Issue Revision Completed
11-15-2004	Notice of Allowance Data Verification Completed
11-15-2004	Notice of Allowability
08-31-2004	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received
09-13-2004	Date Forwarded to Examiner
08-31-2004	Response after Non-Final Action
08-31-2004	Workflow incoming amendment IFW
07-08-2004	Mail Non-Final Rejection

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AMDT. DATED FEBRUARY 3, 2005

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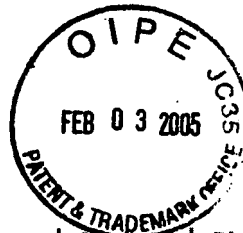
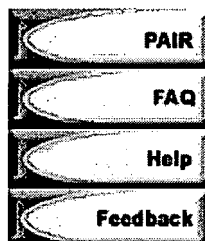
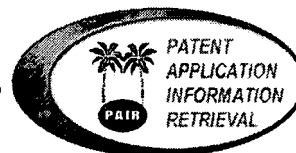
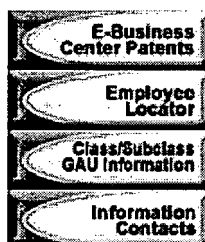
### **ATTACHMENT C**

Attached is a copy of a print out from PAIR for the instant application showing that it has incomplete priority information.





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Search results for application number: 09/837,235			
Application Number:	09/837,235	Customer Number:	
Filing or 371(c) Date:	04-18-2001	Status:	Allowed -- Notice of Allowance Issued -- Issue Revision Completed
Application Type:	Utility	Status Date:	11-17-2004
Examiner Name:	SAIDHA, TEKCHAND	Location:	ELECTRONIC
Group Art Unit:	1652	Location Date:	-
Confirmation Number:	1399	Earliest Publication No:	US 2002-0061549 A1
Attorney Docket Number:	9725-005	Earliest Publication Date:	05-23-2002
Class/ Sub-Class:	530/350	Patent Number:	-
First Named Inventor:	Christopher Marshall, Brooklyn, NY (US)	Issue Date of Patent:	-
Title Of Invention:	STABILIZED PROTEINS		

Select Search Option

Image File Wrapper

Search

File History

Patent Term Adjustment History

Published Documents

Parent Continuity Data			
Description	Parent Number	Parent Filing or 371(c) Date	Parent Stat
This application claims benefit of Provisional Application	60/159,763	10-15-1999	Abandoned
Child Continuity Data			
No Child Continuity Data Found.			

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**ATTACHMENT D**

Attached is a copy of the PTO Form-1449 filed with the Supplemental IDS of March 15, 2004.

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**ATTACHMENT E**

Attached is a Petition to Correct Inventorship to delete Paul B. Marshall as a co-inventor of the instant application.